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Date: November 13, 2006

Lynnea B. Kennelly

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Schultz *et al.*

SERIAL NO.: 09/740,615

FILED: December 18, 2000

FOR: PLASMON RESONANT PARTICLES,
METHODS AND APPARATUS

EXAMINER: Lam, A.

ART UNIT: 1641

CONFIRMATION NO. 1773

Amendment to Appeal Brief Transmittal

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

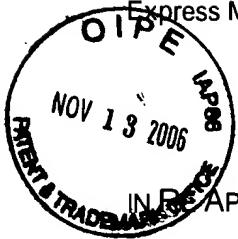
Further to the Notification of Non-Compliant Appeal Brief under 37 C.F.R. 41.37 mailed on 10/31/2006, enclosed herewith is the following:

- Amendment to Appeal Brief submitted in triplicate.
- No fees are believed to be due with this communication. However, the Commissioner is hereby authorized to charge and underpayment for timely consideration of this submission to Deposit Account No. 50-2207.
- Applicant petitions for an Extension of Time if necessary for timely filing of this Communication.

Respectfully submitted,

Date: Nov 10, 2006
Peter J. Dehlinger
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Customer No. 22918
Ph: 650 838-4401



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Schultz et al.

APPLICATION No.: 09/740,615

FILED: DECEMBER 18, 2000

FOR: PLASMON RESONANT PARTICLES,
METHODS AND APPARATUS

EXAMINER: LAM, A.

ART UNIT: 1641

CONFIRMATION NO: 1773

AMENDMENT TO APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is filed under C.F.R. §41.37, for the purpose of bringing the Appeal Brief filed October 17, 2006 in the above-entitled patent application into compliance with 37 CFR §41.37(c)(1)(iii) and 37 CFR §41.37(c)(1)(x). In accordance with MPEP 1205.03, this amendment only provides a statement of the status of all claims as required by C.F.R. §41.37(c)(1)(iii) and an Appendix C as required by 37 CFR §41.37(c)(1)(x).

STATEMENT OF THE STATUS OF ALL CLAIMS

Claims 1-18, and 30-56 were cancelled by preliminary amendment on December 18, 2000.

Claim 27 was cancelled by amendment on February 4, 2005.

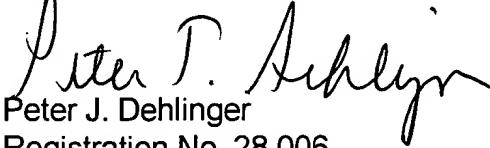
Claims 19-26, 28 and 29 are pending and appealed. All of these claims stand rejected. The claims are presented in the Claims Appendix herewith.

APPENDIX C: RELATED PROCEEDINGS

None

The Applicants submit that the above statement of the status of all claims and Appendix C fully comply with 37 CFR §41.37(c)(1)(iii), and 37 CFR §41.37(c)(1)(x) and entry of the amendment is respectfully requested.

Respectfully submitted,


Peter J. Dehlinger
Registration No. 28,006

Date: Nov 10, 2006

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